

PROPOSED ACT IN RELATION TO THE HOUSING OF
THE PEOPLE IN THE CITY OF BOSTON

The Women's Municipal League, October, 1917.

PART I.

ADMINISTRATION.

Be it enacted, etc.

SEC. 1. HOUSING DEPARTMENT CREATED; HOUSING COMMISSIONER. There shall be in the City of Boston a department to be called the housing department, which shall be under the charge of a housing commissioner. The commissioner, who must be specially qualified for his duties by training and experience, shall be appointed by the Mayor for a term of four years and shall receive a salary of five thousand dollars per annum.

SEC. 2. BUREAUS. There shall be in the housing department a new building bureau, an old building bureau, a legal bureau and a bureau of records.

The new building bureau shall file, record and examine plans and specifications for the light, ventilation and sanitation of dwellings hereafter altered or erected, and of buildings to be altered or reconstructed for use as dwellings. It shall inspect all such dwellings and buildings in the course of construction or alteration, and record all violations of this act in respect thereto.

The old building bureau shall inspect all completed dwellings and record all violations of this act found therein.

The legal bureau shall be charged with the enforcement of this act, handling all court cases and cases involving the vacation of houses or the revocation of licenses.

The bureau of records shall contain records of every dwelling in the city, to be kept in the manner and form prescribed by the commissioner. It shall also be charged with the licensing of multiple dwellings.

SEC. 3. DEPUTY COMMISSIONERS, OFFICERS AND EMPLOYES. The commissioner shall have power to appoint and in his discretion to remove the chiefs of the four bureaus established in Section 2.

The chief of the old building bureau and the chief of the new building bureau must have had experience in housing and sanitation and be persons of recognized standing in their profession or calling.

The chief of the bureau of records must be a statistician of recognized standing.

The chief of the legal bureau must be a lawyer of recognized standing.

The chief of the old building bureau shall be first deputy commissioner and shall during the absence or disability of the

commissioner, possess all the powers and perform all the duties of the commissioner except the power of making appointments and removals.

The chief of the new building bureau shall be second deputy commissioner, and in the absence or disability of both the commissioner and the first deputy commissioner, shall possess all the powers and perform all the duties of the commissioner except the power of making appointments and removals.

The commissioner, within the limits of his appropriation, shall have power to appoint and remove, subject to the requirements of the civil service law, such subordinate officers, assistants and employes as may be necessary for the efficient performance of his duties as said commissioner.

In the new building bureau there shall be not less than two plan examiners and not less than ten inspectors.

In the old building bureau there shall be not less than sixty inspectors.

In all bureaus, there shall be such clerks, stenographers, and messengers as are necessary to perform the duties thereof. All such officers and employes shall be subject to the supervision of the commissioner and shall perform such duties as are assigned by him.

SEC. 4. OFFICES AND EXPENSES. The commissioner may provide offices for the use of the department, its bureaus and the branches thereof. Such commissioner may, subject to the other provisions of this act, make such incidental and additional expenditures, having due regard to economy, as the purposes and provisions of this act may require. Any employe, for any neglect of duty, or failure properly to perform his duty, for violation of rules, or neglect or disobedience of orders, or incapacity, or absence without leave, may be punished by the commissioner by forfeiting or withholding pay for a specified time, or by suspension from duty without pay; but this provision shall not be deemed to abridge the right of said commissioner to remove or dismiss any inspector or other subordinate from the service of the department at any time in his discretion.

SEC. 5. RECORDS IN DEPARTMENT. The housing commissioner shall provide a system for keeping the records of dwellings by card catalogue and street number, or otherwise. Such records shall include:

1. A diagram of each dwelling and of the lot on which it is situated, showing the shape of the building, its width and depth, also the measurements of the unoccupied area, showing shafts, courts, yards and other open spaces. Such diagram shall include a diagram of the second or typical floor of the building, showing the sizes and arrangement of the rooms, and all doors, stairs, windows, halls and partitions, and of any other floors on which variations occur.

2. A statement of the date or the approximate date when the building was erected.

SEC. 6. ANNUAL REPORT. The commissioner shall make an

annual report at some time prior to the first day of February of each year to the mayor of the City of Boston of all the operations of his department for the year ending on the preceding thirty-first day of December.

SEC. 7. UNIFORMS AND BADGES. The commissioner shall designate a suitable uniform to be worn by inspectors. He shall also provide a badge of metal, with a suitable inscription thereon, and require it to be worn by the inspectors and officers of the department.

SEC. 8. REPORTS OF INSPECTORS. Each of such inspectors shall report in writing, at least once in each week, to the commissioner. The form, manner and scope of such reports shall be prescribed by the commissioner. Such reports shall be filed in the department.

SEC. 9. PROOFS, AFFIDAVITS AND OATHS. Proofs, affidavits and examinations as to any matter arising in connection with the performance of any of the duties of the housing department may be taken by or before the housing commissioner, or his deputy, or such other person as he may designate; and such commissioner, deputy or other person may administer oaths in connection therewith.

SEC. 10. POWER OF ATTORNEY FOR THE DEPARTMENT. The chief of the legal bureau of the housing department shall sue for and collect all penalties, and take charge of and conduct all legal proceedings imposed or provided by this act, and all other housing laws, regulations and ordinances. All suits or proceedings instituted for the enforcement of the several provisions of this act, or for the recovery of penalties imposed by this act, shall be brought in the name of the housing department of the City of Boston, by such counsel. The penalties recovered shall be paid to such counsel. He shall on the first of each month render to the commissioner an itemized statement of all moneys collected by him, and pay over the same to the housing commissioner. He shall at the same time render a statement of the necessary disbursements incurred or paid in the prosecution of the actions and proceedings instituted by him. The housing commissioner shall pay monthly the amount of such moneys so collected to the collector of the City of Boston.

SEC. 11. PUNISHMENT FOR FALSE RETURNS AND DECEPTIVE REPORTS. Any inspector, officer or employe of such housing department who shall knowingly make thereto a false or deceptive report or statement in connection with his duties, or shall accept or receive any bribe or other compensation as a condition of or an inducement for not faithfully discovering or fully reporting or otherwise acting in accordance with his duty in any respect, or shall accept or receive any gratuity from any person whose interests may be affected by his official action, shall be guilty of a misdemeanor and punishable by imprisonment for not more than one year and by a fine of not more than five hundred dollars. If such officer, inspector or employe be convicted of such offense, he shall forfeit his office, and in addition

all compensation due or to become due from such department.

SEC. 12. FALSELY PERSONATING AN OFFICER. If any person, not an officer, inspector or employe of such department, or acting under the authority thereof, falsely represents himself as such, or if any person shall use, wear or display, without authority, any shield or other insignia or emblem such as is worn by such an officer, inspector or employe, he shall be guilty of a misdemeanor.

SEC. 13. TRANSFER OF POWERS OF OTHER DEPARTMENTS. All the rights, powers, and duties now possessed by the building department with respect to the light, ventilation and sanitation of dwellings to be erected or altered, are hereby transferred to and conferred upon the housing department. All the rights, powers and duties now possessed by the health department, or the building department, with respect to the sanitary inspection, improvement and maintenance of completed dwellings, are hereby transferred to and conferred upon the housing department. Such rights, powers, and duties as are now possessed by the fire department and police department with respect to the prevention of incumbrance or obstruction of fire escapes in dwellings are hereby transferred to and conferred upon the housing department. The housing department is hereby charged with enforcing all the provisions of this act except as otherwise provided herein.

SEC. 14. TRANSFER OF PROPERTY, ETC., FROM OTHER DEPARTMENTS. Upon the organization of the housing department hereby created, and upon notice thereof from the housing commissioner to the department of health and department of building, such books, papers, records, and other matters belonging to, or in the custody of, such departments of health or buildings, and used in such departments in connection with dwellings, as the housing commissioner may require for carrying out the provisions of this act, shall be transferred by such department of health and department of buildings to the housing department hereby created.

SEC. 15. CO-OPERATION OF OTHER DEPARTMENTS. It shall be the duty of all city departments at all times, when requested so to do, to co-operate with the housing department, and to furnish such department with such information, reports and assistance as may be required.

SEC. 16. DETAILS OF MEN TO ASSIST TENEMENT HOUSE DEPARTMENT. The police commissioner, upon the requisition of the housing commissioner, shall detail to the service of said housing department, for the purposes of the enforcement of the acts relating to dwellings, suitable officers and men of experience of at least five years' service in the police force, provided that the number of officers and men so detailed shall not at any time exceed twenty, and, provided further, that the housing department shall pay monthly to the police department a sum equal to the pay of all officers and men so detailed. These officers and men shall belong to the sanitary company of police, and shall report to the housing commissioner. In making such detail the police commissioner shall give preference to those offi-

cers and men who have belonged for not less than five years to the sanitary company of the police assigned to the department of health. All other officers and men so detailed shall, whenever the housing commissioner so requests, be selected from those who have passed a competitive civil service examination for their qualification for this service. The housing commissioner may report back to the police department for punishment any member of said company guilty of a breach of order or discipline, or of neglecting his duty, and thereupon the police commissioner shall detail another officer or man in his place, and the discipline of the members of the sanitary company shall be in the jurisdiction of the police department, but at any time the housing commissioner may object to any member of said sanitary company on the ground of inefficiency, and thereupon another officer or man shall be detailed in his place.

SEC. 17. SAVING CLAUSE. Nothing in this chapter shall affect or in any way impair any act done or right accruing, accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time this act takes effect, but the same may be asserted, enforced, prosecuted or inflicted, as fully and to the same extent as if the housing department had not been created, and the powers and duties of the department of health, the department of buildings, and the police department, in respect to dwellings and the laws, rules and ordinances relating thereto had not been transferred to such housing department, as provided in this chapter. All actions and proceedings, civil or criminal, commenced under or by virtue of statutes or ordinances creating and conferring powers and imposing duties on such department of health, department of buildings, and police department, in respect to dwellings and for the enforcement of laws, rules and ordinances relative thereto, and pending immediately prior to the taking effect of this chapter, may be prosecuted and defended to final effect by the housing department in the same manner as they might by such department of health, department of buildings or police department, if this act had not been passed. All such actions and proceedings shall be prosecuted and defended in the name of the housing department.

PART II

GENERAL PROVISIONS

SEC. 18. DEFINITIONS. Certain words in this act are defined for the purposes thereof as follows. Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular; the word "person" includes a corporation as well as a natural person.

(1) DWELLING. A "dwelling" is any house or building or portion thereof which is occupied in whole or in part as a home, residence or sleeping place of one or more human beings, either permanently or transiently.

(2) CLASSES OF DWELLINGS. For the purposes of this act dwellings are divided into the following classes: (a) "private-dwellings," (b) "two-family-dwellings," and (c) "multiple-dwellings,"

(a) A "private-dwelling" is a dwelling occupied by but one family alone.

(b) A "two-family-dwelling" is a dwelling occupied by but two families alone.

(c) A "multiple-dwelling" is a dwelling occupied otherwise than as a private-dwelling or two-family dwelling.

(3) CLASSES OF MULTIPLE-DWELLINGS. All multiple-dwellings are dwellings and for the purposes of this act are divided into two classes, viz., Class A and Class B.

Class A. Multiple-dwellings of Class A are dwellings which are occupied more or less permanently for residence purposes by several families and in which the rooms are occupied in apartments, suites or groups. This class includes tenement houses, flats, apartment houses, apartment hotels, bachelor apartments, studio apartments, duplex apartments, kitchenette apartments, and all other dwellings similarly occupied whether specifically enumerated herein or not.

Class B. Multiple-dwellings of Class B are dwellings which are occupied, as a rule transiently as the more or less temporary abiding place of individuals who are lodged, with or without meals, and in which as a rule the rooms are occupied singly. This class includes hotels, lodging houses, boarding houses, furnished-room houses, lodgings, club houses, convents, asylums, hospitals, jails, and all other dwellings similarly occupied whether specifically enumerated herein or not.

(4) HOTEL. A "hotel" is a multiple-dwelling of Class B in which persons are lodged for hire and in which there are more than fifty sleeping rooms, a public dining room for the accommodation of at least fifty guests, and a general kitchen.

(5) FAMILY. A "family" is a group of persons living together, whether related to each other by birth or not, and may consist of one or more persons.

(6) MIXED OCCUPANCY. In cases of mixed occupancy where a building is occupied in part as a dwelling, the part so occupied

shall be deemed a dwelling for the purposes of this act and shall comply with the provisions thereof relative to dwellings.

(7) YARDS. A "rear yard" is an open unoccupied space on the same lot with a dwelling, between the extreme rear line of the lot and the extreme rear line of the house. A yard between the front line of the house and the front line of the lot is a "front yard." A yard between the side line of the house and the side line of the lot and which extends from the front line or front yard to the rear line of the lot or to the rear yard is a "side yard."

(8) COURTS. A "court" is an open unoccupied space, other than a yard, on the same lot with a dwelling. A court not extending to the street or front or rear yard is an inner court. A court extending to the street or front or rear yard is an outer court.

(9) CORNER LOT. A corner lot is a lot situated on an interior angle formed by the intersection or junction of two or more streets, or by a change in direction of any street, when such interior angle is less than one hundred and twenty degrees, and the lot extends fifteen feet or more in each direction from the point of such intersection or junction or change in direction. A lot other than a corner lot is an "interior lot."

(10) FRONT, REAR, AND DEPTH OF LOT. The front of a lot is that boundary line which borders on the street. In the case of a corner lot the owner may elect by statement on his plans either street boundary line as the front. The rear of a lot is the side opposite to the front. In the case of a triangular or gore lot the rear is the boundary line not bordering on a street. The depth of a lot is the dimension measured from the front of the lot to the extreme rear line of the lot. In the case of irregular-shaped lots the mean depth shall be taken.

(11) PUBLIC HALL. A "public hall" is a hall, corridor or passageway not within the exclusive control of one family.

(12) STAIR HALL. A "stair hall" is a public hall and includes the stairs, stair landing and those portions of the building through which it is necessary to pass in going between the entrance floor and the roof.

(13) BASEMENT; CELLAR; ATTIC. (a) A "basement" is a story partly underground but having at least 60 per centum of its height above the curb level, and also 60 per centum of its height above the highest level of the adjoining ground. A basement shall be counted as a story.

(b) A "cellar" is a story having more than 40 per centum of its height below the curb level, or below the highest level of the adjoining ground. A cellar shall not be counted as a story for the purposes of height measurement. If any part of a story is in that part the equivalent of a basement or cellar, the provisions of this act relative to basements and cellars shall apply to such part of said story.

(c) In the case of private-dwellings and two-family-dwellings an attic or story in a sloping roof, if not occupied for living pur-

poses shall not be counted as a story. In the case of multiple-dwellings an attic shall be counted as a story.

(14) HEIGHT. The "height" of a dwelling is the perpendicular distance measured in a straight line from the curb level to the highest point of the roof beams in the case of flat roofs, and to the average of the height of the gable in the case of pitched roofs, the measurements in all cases to be taken through the center of the front of the dwelling. Where a dwelling is situated on a terrace above the curb level such height shall be measured from the level of the adjoining ground. Where a dwelling is on a corner lot and there is more than one grade or level, the measurements shall be taken through the center of the front on the street having the lowest elevation.

(15) CURB LEVEL. The "curb level" is the level of the established curb in front of the building measured at the center of such front. Where no curb level has been established the city engineer shall establish such curb level or its equivalent for the purposes of this act.

(16) OCCUPIED SPACES. Outside stairways, fire escapes, fire towers, porches, platforms, balconies, boiler flues, chimneys and other projections shall be considered as part of the dwelling and not as part of the yards or courts or unoccupied area. When a cornice projects more than two feet into a side yard or court, that portion in excess of two feet shall be considered as a part of the dwelling.

(17) CONSTRUCTION FIRST, SECOND, AND THIRD CLASS.

"First-class construction." A dwelling of first-class construction is one constructed of fireproof material throughout, with floors built of steel or reinforced concrete beams, filled in between with terra cotta or other masonry arches or with concrete or reinforced concrete slabs; wood may be used only for under and upper floors, windows and door frames, sashes, doors, interior finish, handrails for stairs, necessary sleepers bedded in the cement, and for isolated furrings bedded in mortar. There shall be no air space between the top of any floor arches and the floor boarding.

"Second-class construction." A dwelling of second-class construction is one, not of first class construction, the exterior and party walls of which are, nevertheless, of brick, stone, iron, steel, concrete, reinforced concrete, concrete blocks or other equally substantial and fireproof material.

"Third-class construction." A dwelling of third-class construction is one which is not of first class construction or of second class construction.

(18) NUISANCE. The word "nuisance" shall be held to embrace public nuisance as known at common law or in equity jurisprudence; and whatever is dangerous to human life or detrimental to health; whatever dwelling is overcrowded with occupants, or is not provided with adequate ingress and egress to or from the same, or is not sufficiently supported, ventilated, sewered, drained, cleaned or lighted, in reference to its intended

or actual use, and whatever renders the air or human food or drink unwholesome, are also severally in contemplation of this act, nuisances; and all such nuisances are hereby declared illegal.

(19) CONSTRUCTION OF CERTAIN WORDS. The word "shall" is always mandatory and not directory, and denotes that the house shall be maintained in all respects according to the mandate as long as it continues to be a dwelling.

The term "department", when used in this act, shall mean the housing department, and the term "commissioner," when used in this act, shall mean the housing commissioner.

Wherever the words "ordinances," "regulations," "building department," "health department," "police department," "fire department," "housing department," "city engineer," "mayor," occur in this act they shall be construed as if followed by the words "of the City of Boston".

Wherever the word "occupied" or "used" is employed in this act such words shall be construed as if followed by the words "or is intended, arranged, designed, built, altered, converted to, rented, leased, let or hired out, to be occupied or used." Wherever the words "dwelling," "two-family-dwelling," "multiple-dwelling," "building," "house," "premises," or "lot," are used in this act, they shall be construed as if followed by the words, "or any part thereof." Wherever the word "street" is used in this act it shall be construed as including any public alley sixteen feet or more in width. "Approved fire-proof material" means approved by the building commissioner.

SEC. 19. BUILDINGS CONVERTED OR ALTERED. A building not a dwelling, if hereafter converted or altered to such use, shall thereupon become subject to all the provisions of this act relative to dwellings hereafter erected. A dwelling of one class if hereafter altered or converted to another class shall thereupon become subject to all the provisions of this act relative to such class.

SEC. 20. ALTERATIONS AND CHANGE IN OCCUPANCY. No dwelling hereafter erected shall at any time be altered so as to be in violation of any provision of this act. And no dwelling erected prior to the passage of this act shall at any time be altered so as to be in violation of those provisions of this act applicable to such dwelling. If any dwelling or any part thereof is occupied by more families than provided in this act, or is erected, altered or occupied contrary to law, such dwelling shall be deemed an unlawful structure, and the housing commissioner may cause such dwelling to be vacated. And such dwelling shall not again be occupied until it or its occupation, as the case may be, has been made to conform to the law.

SEC. 21. DWELLINGS MOVED. If any dwelling be hereafter moved from one lot to another it shall thereupon be made to conform to all the provisions of this act relative to dwellings hereafter erected.

SEC. 22. MINIMUM REQUIREMENTS; LAW NOT TO BE MODIFIED. The provisions of this act shall be held to be the minimum requirements adopted for the protection of the health, welfare and safety of the community. The housing commissioner, with the approval of the city council, is hereby empowered to enact from time to time supplementary regulations imposing requirements higher than the minimum requirements laid down in this act, relative to light, ventilation, sanitation, fire prevention, egress, occupancy, maintenance and use, for all dwellings. And the housing commissioner, with the approval of the city council, is hereby further empowered to prescribe for the enforcement of the aforesaid supplementary ordinances, remedies and penalties similar to those prescribed in this act. But no ordinance, regulation, ruling or decision of any municipal body, board, officer or authority shall repeal, amend, modify or dispense with any of the said minimum requirements laid down in this act.

SEC. 23. SEWER CONNECTIONS AND WATER SUPPLY. The provisions of this act with reference to sewer connections and water supply shall be deemed to apply only where connection with a public sewer and with public water mains is or becomes reasonably accessible. All questions of the practicability of such sewer and water connections shall be decided by the housing commissioner.

SEC. 24. RESIDENCE DISTRICTS. Whenever the owners of record of two-thirds or more of the linear frontage of one side of street frontage of any block shall by written petition to the city council duly signed and acknowledged, ask that such side or street-frontage of said block be designated as a "residence district," and the city council shall approve of such petition, such side or street-frontage of said block shall thereupon become a "residence district," and shall continue to be such until such time as a like petition asking that such side or street-frontage of said block cease to be a "residence district," shall be presented to the city council and be approved by them. Except as otherwise provided in section thirty-four, no building other than a private-dwelling or two-family-dwelling or a building used by the city, state or nation for public purposes shall hereafter be erected or altered or converted to be so occupied on any lot abutting on such street-frontage so long as it continues to be a "residence district," except upon the written consent of the owners aforesaid. Such written consents shall be filed in the housing department and shall be public records. A "block" for the purposes of this section is a property division containing one or many lots and bounded by three or more streets.

SEC. 25. TIME FOR COMPLIANCE. All improvements specifically required by this act upon dwellings erected prior to the date of its passage, shall be made within one year from said date, or at such earlier period as may be fixed by the housing commissioner.

SEC. 26. SCOPE OF ACT. All the provisions of this act shall apply to all classes of dwellings, in the City of Boston, except

that in sections where specific reference is made to one or more specific classes of dwellings such provisions shall apply only to those specific classes to which such reference is made. All provisions which relate to dwellings shall apply to all classes of dwellings.

PART III
 DWELLINGS HEREAFTER ERECTED.
 IN THIS PART WILL BE FOUND ALL THE PROVISIONS WHICH
 MUST BE OBSERVED WHEN A PERSON PROPOSES TO BUILD
 A NEW DWELLING, OR TO CONVERT OR ALTER TO SUCH
 PURPOSES A BUILDING WHICH IS NOT THEN A
 DWELLING.

TITLE I. LIGHT AND VENTILATION.

SEC. 27. PERCENTAGE OF LOT OCCUPIED. No dwelling hereafter erected shall occupy either alone or with other buildings, a greater percentage of the area of the lot than as follows:

(a) In the case of corner lots with streets on three sides, not more than ninety per centum;

(b) In the case of other corner lots, not more than eighty per centum;

(c) In the case of interior lots which do not exceed 100 feet in depth, not more than sixty-five per centum;

(d) In the case of interior lots which exceed 100 feet in depth and do not exceed 200 feet in depth, not more than fifty per centum;

(e) In the case of interior lots which exceed 200 feet in depth, not more than forty per centum.

The measurements shall be taken at the ground level. Any portion of a corner lot distant more than fifty feet from the corner line shall be treated as an interior lot.

SEC. 28. HEIGHT. No dwelling hereafter erected shall exceed in height the width of the widest street upon which it abuts, nor in any case shall it exceed seventy-five feet in height. Such width of street shall be measured from front lot line to opposite front lot line. No dwelling shall hereafter be erected upon any street or alley less than thirty feet in width.

SEC. 29. REAR YARDS. Immediately behind every dwelling hereafter erected there shall be a rear yard extending across the entire width of the lot. Such yard shall be at every point open and unobstructed from the ground to the sky. Every part of such yard shall be directly accessible from every other part thereof. The depth of said yard shall be measured at right angles from the rear lot line to the extreme rear part of the dwelling.

The depth of such rear yard shall increase proportionately with an increased height of the dwelling and shall also be proportionate to the depth of the lot. No rear yard shall be less than fifteen per centum of the depth of the lot. If the dwelling is three stories high the depth of the rear yard shall be at least twenty-five per centum of the depth of the lot; if the dwelling is four stories high such depth of rear yard shall be at least thirty per centum of the depth of the lot; if the dwelling is five stories high such depth of rear yard shall be at least thirty-five per centum of the depth of the lot; and shall increase five per centum for each story. If the dwelling is less than three stories in height, the depths above prescribed may be decreased five per centum for each story below three stories. Irrespective of the

above provisions, no rear yard under any circumstances shall ever be less than fifteen feet in depth. A front yard may be any depth.

SEC. 30. SIDE YARDS. No side yard is required for dwellings hereafter erected but they may be built up to the lot line. If, however any side yard is left, it shall be at every point open and unobstructed from the ground to the sky for at least the minimum side yard width hereinafter prescribed, and its width shall be proportionate to the height of the dwelling and no side yard shall be less in width in any part than as follows:

The minimum width of a side yard, measured to the side lot line, for a one-story dwelling shall be four feet, for a two-story dwelling, five feet; for a three-story dwelling, seven feet; and shall increase two feet for each additional story above three stories.

SEC. 31. COURTS. The sizes of all courts for dwellings hereafter erected shall be proportionate to the height of the dwelling. No court shall be less in any part than the minimum sizes prescribed in this section. The minimum width of a court for a one-story dwelling shall be ten feet, for a two-story dwelling twelve feet, and for a three-story dwelling fourteen feet, and shall increase two feet for each additional story above three stories. The length of an inner court shall never be less than twice the minimum width prescribed by this section. The length of a court shall never be greater than four times its width. The width of all courts adjoining the lot line shall be measured to the lot line and not to an opposite building.

SEC. 32. COURTS OPEN AT TOP. No court of a dwelling hereafter erected shall be covered by a roof or skylight, but every such court shall be at every point open from the ground to the sky unobstructed.

SEC. 33. AIR-INTAKES. Every inner court shall be provided with two or more horizontal air-intakes at the bottom. One such intake shall always communicate directly with the street or front yard and one with the rear yard, and each shall consist of a fire-proof passageway not less than three feet wide and seven feet high which shall be left open, or be provided with an open-work gate at each end, and such gate shall be so constructed as to be readily opened from the inside.

SEC. 34. ANGLES IN COURTS. Nothing contained in the foregoing sections concerning courts shall be construed as preventing the cutting off of the corners of said courts, provided that the running length of the wall across the angle of such corners does not exceed seven feet.

SEC. 35. BUILDINGS ON SAME LOT WITH DWELLINGS. If any building is hereafter placed on the same lot with a dwelling there shall always be maintained between the said buildings an open unoccupied space extending upwards from the ground. If such buildings are placed side by side the space between them shall conform to the provisions of section thirty of this act. If such buildings are placed one at the rear of the other the space

between them shall be the same as that prescribed in section twenty-nine for rear yards. Except that where the rear building does not exceed one story, the space between buildings shall be not less than fifteen feet. In all other cases the height of the highest building on the lot shall regulate the dimensions. No building of any kind shall be hereafter placed upon the same lot with a dwelling so as to decrease the minimum sizes of courts or yards as hereinbefore prescribed. A building other than a dwelling may be erected at the rear lot line, provided it does not exceed two stories in height and that the space between it and all other buildings on the lot is maintained as above provided.

No building shall hereafter be placed upon a lot so there shall be a dwelling at rear of another building on the same lot. Except that a private garage or private stable not exceeding two stories in height may be built at the rear of a lot on which there is a private dwelling at the front, and may have living rooms therein for the use solely of a household employe, or member of his family, of the occupant of the dwelling on the front of the lot. If so completed the garage or stable shall be fire-proof and the rooms so occupied in addition to complying with the provisions of this act shall have an entrance from the outside of the building without passing through the garage or stable.

And if any dwelling is hereafter erected upon any lot upon which there is already another building, it shall comply with all the provisions of this act, and in addition the space between the said building and the said dwelling shall be of such size and arranged in such manner as is prescribed in this section, the height of the highest building on the lot to regulate the dimensions.

SEC. 36. ROOMS, LIGHTING AND VENTILATION OF. In every dwelling hereafter erected every room shall have at least one window opening directly upon the street or upon a yard or court of the dimensions specified in this act and such window shall be so located as to light properly all portions of such room.

This provision shall not, however, apply to rooms used as art galleries, swimming pools, gymnasiums, squash courts, or for similar purposes, provided such rooms are adequately lighted and ventilated. In multiple-dwellings of Class A hereafter erected there shall be no apartment, suite or group of rooms which does not contain at least one room opening directly upon the street, or upon a rear yard, side yard or outer court of the dimensions specified in this article and located on the same lot.

Sec. 37. WINDOWS IN ROOMS. In every dwelling hereafter erected the total window area in each room, shall be at least one-seventh of the superficial floor area of the room, and the whole window shall be made so as to open in all its parts. At least one such window shall be not less than twelve square feet in area between the stop beads. In multiple dwellings the top of at least one window shall not be less than seven feet six inches above the floor.

Sec. 38. ROOMS, SIZE OF. In every dwelling hereafter erected all rooms, except water-closet compartments and bathrooms, shall

be of the following minimum sizes: Every room shall contain at least ninety square feet of floor area; no room shall be in any part less than seven feet wide. In multiple dwellings of Class A in each apartment, group or suite of rooms, there shall be at least one room containing not less than one hundred and fifty square feet of floor area.

SEC. 39. ROOMS, HEIGHT OF. No room in a dwelling hereafter erected shall be in any part less than the following heights, from the finished floor to the finished ceiling:

(a) In private-dwellings eight feet high throughout ninety per centum of the area of the room.

(b) In two-family-dwellings eight feet six inches high throughout ninety per centum of the area of the room.

(c) In multiple-dwellings nine feet high throughout the entire area of the room. Except that an attic room in a private dwelling or two-family dwelling need be eight feet in height or eight feet six inches in height in but one-half of its area, provided there are not less than seven hundred and fifty cubic feet of air space within said room.

SEC. 40. ALCOVES AND ALCOVE ROOMS. In a dwelling hereafter erected an alcove in any room shall be separately lighted and ventilated as provided for rooms in the foregoing sections and shall be not less than ninety square feet in area. No part of any room in a tenement house hereafter erected shall be enclosed or subdivided at any time, wholly or in part, by a curtain, portiere, fixed or movable partition or other contrivances or device, unless such part of the room so enclosed or subdivided shall contain a separate window as herein required and shall have a floor area of not less than ninety square feet.

SEC. 41. PRIVACY. In every dwelling hereafter erected there shall be access to every living room and bedroom and to at least one water-closet compartment without passing through a bedroom.

SEC. 42. WATER-CLOSET COMPARTMENTS AND BATHROOMS, LIGHTING AND VENTILATION OF. In every dwelling hereafter erected every water-closet compartment and bathroom shall have at least one window opening directly upon the street, or upon a yard or court of the dimensions specified in this article and located on the same lot. In all dwellings hereafter erected the aggregate area of windows for each water-closet compartment shall be not less than six square feet between stop beads, and in multiple-dwellings hereafter erected one at least of such windows shall be not less in size than three square feet between stop beads.

Every such window shall be made so as to open in all its parts. Nothing in this section contained shall be construed so as to prohibit a general toilet room containing several water-closet compartments separated from each other by dwarf partitions, provided such toilet room is adequately lighted and ventilated to the outer air as above provided, and that such water-closets are supplemental to the water-closet accommodations required by the provisions of section 51 of this act.

Sec. 43. PUBLIC HALLS. In every dwelling hereafter erected, every public hall shall have at each story at least one window opening directly upon the street or upon a yard or court of the dimensions specified in this article and located on the same lot. Such window shall be at the end of said hall with the natural direction of the light parallel to the hall's axis. Any part of a public hall which is offset or recessed or shut off from any other part of said hall shall be deemed a separate hall within the meaning of this section and shall be separately lighted and ventilated.

Sec. 44. WINDOWS AND SKYLIGHTS FOR PUBLIC HALLS. In dwellings hereafter erected one at least of the windows provided to light each public hall or part thereof shall be at least two feet six inches wide and five feet high, measured between stop beads. In every multiple dwelling hereafter erected there shall be in the roof, directly over each stair-well, a ventilating skylight provided with ridge ventilators having a minimum opening of forty square inches of such skylight shall be provided with fixed or movable louvres.

Sec. 45. WINDOWS FOR STAIR HALLS, SIZE OF. In every multiple dwelling hereafter erected there shall be provided for each story at least one window to light and ventilate each stair hall which shall be at least three feet wide and five feet high, measured between the stop beads. A sash door shall be deemed the equivalent of a window in this and the two foregoing sections, provided that such door contain the amount of glazed surface prescribed for such windows.

Sec. 46. OUTSIDE PORCHES. In dwellings hereafter erected roofed-over outside porches which extend above the top of the entrance story shall not be erected outside of and adjoining windows required by this act for the lighting or ventilation of rooms or halls; they may, however, open from windows supplementary to those required by law, provided they do not diminish the legal light or ventilation of such rooms. The term "outside porches" shall include outside platforms, balconies and stairways. All such outside porches shall be considered as part of the building and not as part of the yards or courts or other unoccupied area.

TITLE II. SANITATION.

Sec. 47. BASEMENT AND CELLAR ROOMS. In dwellings hereafter erected no room in the cellar shall be occupied for living purposes; and no room in the basement shall be occupied for living purposes except by the janitor of such dwelling and the members of his family. In addition to the other requirements of this act, such rooms shall have sufficient light and ventilation, shall be well-drained and dry, and shall be fit for human habitation.

Sec. 48. CELLARS, WATER-PROOFING AND LIGHTING. Every dwelling hereafter erected shall have a basement, cellar or excavated space under the entire entrance floor, at least three feet in depth, or shall be elevated above the ground so that there will be a clear air-space of at least twenty-four inches between the top of the ground and the bottom of said floor so as to insure ventilation and protection from dampness. Such space shall in all

cases be enclosed but provided with ample ventilation and properly drained.

Every dwelling hereafter erected shall have all walls below the ground level and also the cellar or lowest floors damp-proof and water-proof. When necessary to make such walls and floors damp-proof and water-proof, the damp-proofing and water-proofing shall run through the walls and up the same as high as the ground level and shall be continued throughout the floor, and the said cellar or lowest floor shall be properly constructed so as to prevent dampness or water from entering. All cellars and basements in dwellings hereafter erected shall be properly lighted and ventilated.

SEC. 49. COURTS, AREAS AND YARDS. In every dwelling hereafter erected all courts, areas and yards shall be properly graded and drained, and connected with the street sewer so that all water may pass freely into it. And when required by the housing commissioner they shall be properly concreted.

SEC. 50. WATER SUPPLY. In every dwelling hereafter erected there shall be a proper sink or wash-bowl with running water, exclusive of any sink in the cellar. In two-family-dwellings and in multiple-dwellings of Class A there shall be such a sink or wash-bowl in each apartment, suite or group of rooms.

SEC. 51. WATER-CLOSET ACCOMMODATIONS. In every dwelling hereafter erected there shall be a separate water-closet. Each such water-closet shall be placed in a compartment completely separated from every other water-closet; such compartment shall be not less than three feet wide, and shall be enclosed with partitions, which shall extend to the ceiling and which shall not be of wood or other absorbent material. Every such compartment shall have a window opening directly upon the street or upon a yard or court of the minimum size prescribed by this act and located upon the same lot. Every water-closet compartment hereafter placed in any dwelling shall be provided with proper means of lighting the same at night.

Nothing in this section shall be construed so as to prohibit a general toilet room containing several water-closet compartments separated from each other by dwarf partitions, provided such toilet room is adequately lighted and ventilated to the outer air as above provided, and that such water-closets are supplemental to the water-closet accommodations required by other provisions of this section for the tenants of the said dwelling. No water-closet shall be placed out of doors. No water-closet shall be placed in a cellar without a written permit from the housing commissioner. In two-family-dwellings and in multiple-dwellings of Class A hereafter erected there shall be for each family a separate water-closet constructed and arranged as above provided and located within each apartment, suite or group of rooms. In multiple-dwellings of Class B hereafter erected there shall be provided at least one water-closet for every fifteen occupants or fraction thereof.

The floor of every such water-closet compartment shall be

made water-proof with asphalt, tile, stone, terrazzo or some other non-absorbent water-proof material; and such water-proofing shall extend at least six inches above the floor so that the said floor can be washed or flushed out without leaking. No drip trays shall be permitted. No water-closet fixtures shall be enclosed with any woodwork.

SEC. 52. SEWER CONNECTIONS. No multiple-dwelling shall hereafter be erected on any street unless there is city water supply accessible thereto nor unless there is a public sewer in such street, or a private sewer connecting directly with a public sewer, and every such multiple-dwelling shall have its plumbing system connected with the city water supply and with a public sewer before such multiple-dwelling is occupied. No cesspool or vault or similar means of sewage disposal shall be used in connection with any dwelling where connection with a public sewer is practicable.

SEC. 53. PLUMBING. In every dwelling hereafter erected no plumbing fixtures shall be enclosed with woodwork but the space underneath shall be left entirely open. All plumbing work shall be sanitary in every particular. All fixtures shall be trapped. Pan, plunger and long hopper closets shall not be permitted. Wooden sinks and wooden wash trays shall not be permitted. Tile or earthenware house drains shall not be permitted. In all multiple dwellings hereafter erected where plumbing or other pipes pass through floors or partitions, the openings around such pipes shall be sealed or made air-tight with plaster or other incombustible materials, so as to prevent the passage of air or the spread of fire from one floor to another or from room to room. All plumbing work, except as otherwise specified in this act, shall be in accordance with the plumbing regulations of the city of Boston.

TITLE III. FIRE PROTECTION.

SEC. 54. FIRST CLASS CONSTRUCTION, WHEN REQUIRED. Every dwelling hereafter erected exceeding three stories in height above the curb level, shall be of first class construction. The building, however, may step up to follow the grade, provided no part of it is over three stories in height.

SEC. 55. SECOND CLASS CONSTRUCTION. Dwellings of second class construction shall not exceed 3500 square feet in superficial area.

SEC. 56. THIRD CLASS CONSTRUCTION. No multiple-dwelling of third-class construction shall hereafter be erected, and no building of third-class construction not now used as a multiple-dwelling shall hereafter be altered or converted to such use.

SEC. 57. MEANS OF EGRESS. Every multiple-dwelling hereafter erected exceeding one story in height shall have at least two independent ways of egress which shall extend from the ground floor to the roof, and shall be located remote from each other, and each shall be enclosed by walls or partitions as provided elsewhere in this act. One of such ways of egress shall be a flight of stairs constructed and arranged as provided in sections sixty, six-

ty-one and sixty-two of this act. In multiple-dwellings of Class A the second way of egress shall be directly accessible to each apartment, group or suite of rooms without having to pass through the first way of egress. In multiple-dwellings of Class B the second way of egress shall be directly accessible from a public hall. The second way of egress may be any one of the following, as the owner may elect:

1. A system of outside balcony fire-escapes constructed and arranged as provided in section fifty-seven of this act.

2. An additional flight of stairs, either inside or outside, constructed and arranged as provided in sections fifty-nine, sixty and sixty-one of this act.

3. A fire tower located, constructed and arranged as may be required by the building commissioner.

SEC. 58. FIRE-ESCAPES. All fire-escapes hereafter erected on multiple-dwellings shall be located and constructed as in this section required. Such fire-escapes shall be located at each story the floor of which is ten or more feet above the ground. Access to fire-escapes shall not be obstructed in any way. No fire-escapes shall be placed in an inner court. Fire-escapes may project into the public highway to a distance not greater than four feet beyond the building line. All fire-escapes shall consist of outside open iron or stone balconies and stairways. All balconies shall be not less than three feet in width. All stairways shall be placed at an angle of not more than forty-five degrees to the horizontal with flat open steps not less than seven inches in width and twenty-four inches in length, and with a rise of not more than eight inches. The openings for stairways in all balconies shall be not less than twenty-four by seventy inches, and shall have no covers of any kind. The balcony on the top floor, except in the case of a balcony on the street, or in the case of a peak-roofed house, shall be provided with a stairs or with a goose-neck ladder leading from said balcony to and above the roof and properly fastened thereto. A drop or stationary ladder or stairs shall be provided from the lowest balcony of sufficient length to reach to a safe landing place beneath. All fire-escapes shall be constructed and erected to sustain safely in all their parts a live load, of 120 pounds to the superficial foot, and if of iron shall receive not less than two coats of good paint, one in the shop and one after erection. In addition to the foregoing requirements, all fire-escapes hereafter erected upon multiple dwellings shall be constructed in accordance with such supplementary regulations as may be adopted by the building commissioner.

SEC. 59. ROOF EGRESS; SCUTTLES AND BULKHEADS. Every flat-roofed multiple-dwelling hereafter erected exceeding one story in height shall have in the roof a bulkhead or scuttle not less than two feet by three feet in size. Such scuttle or bulkhead shall be fireproof or covered with metal on the outside, and shall be provided with stairs leading to such scuttle or bulkhead and easily accessible to all occupants of the building. No scuttle or bulkhead shall be located in a closet or room, but shall be located

in the ceiling of the public hall on the top floor, and access through the same shall be direct and unobstructed.

SEC. 60. STAIRS AND PUBLIC HALLS. Every multiple-dwelling hereafter erected shall have at least one flight of stairs extending from the entrance floor to the roof, and the stairs and public halls therein shall each be at least three feet six inches wide in the clear. All stairs shall be constructed with a rise of not more than eight inches and with treads not less than ten inches wide and not less than three feet six inches long in the clear. Winding stairs will not be permitted.

SEC. 61. STAIR HALLS. In multiple-dwellings hereafter erected which exceed two stories in height or which are occupied by more than two families on any floor, the stair halls shall be constructed of fireproof material throughout. The risers, strings and balusters shall be of metal, concrete, or stone. The treads shall be of metal, slate, concrete or stone, or of hard wood not less than two inches thick. Wooden hand-rails to stairs will be permitted if constructed of hard wood. The floors of all such stair halls shall be constructed of iron, steel or concrete beams and fireproof filling, and no wooden flooring or sleepers shall be permitted.

SEC. 62. STAIR ENCLOSURES. In all multiple dwellings hereafter erected which exceed two stories in height or which are occupied by more than two families on any floor, all stair halls shall be enclosed on all sides with walls of brick or other approved fireproof material not less than eight inches thick. The doors opening from such stair halls shall be fireproof and self-closing, and shall open outward. There shall be no transom or sash or similar opening from such stair hall to any other part of the house.

SEC. 63. ENTRANCE HALLS. Every entrance hall in a multiple-dwelling hereafter erected shall be at least four feet six inches wide in the clear, from the entrance up to and including the stair enclosure, and beyond this point at least three feet six inches wide in the clear, and shall comply with all the conditions of the preceding sections of this article as to the construction of stair halls. In every multiple-dwelling hereafter erected, access shall be had from the street to the yard, either in a direct line or through a court.

SEC. 64. SHAFTS. In multiple-dwellings hereafter erected all shafts whether for dumb waiter, elevator or other purposes shall be constructed fireproof throughout, with fireproof doors at all openings, at each story, including the cellar. In the case of dumb waiters, such openings shall be self-closing. No elevator shall be permitted in the well hole of the stairs, but every elevator shall be completely separated from the stairs by fire-proof wall enclosing the same.

SEC. 65. FIRST TIER OF BEAMS. In all multiple-dwellings hereafter erected the first floor above the cellar shall be constructed fireproof with iron or steel beams and fireproof flooring.

SEC. 66. CELLAR STAIRS. In multiple-dwellings of Class A hereafter erected which exceed two stories in height or which are oc-

cupied by more than two families on any floor, there shall be no inside stairs communicating between the cellar or other lowest story and the floor next above, but such stairs shall in every case be located outside the building.

SEC. 67. CLOSET UNDER FIRST STORY STAIRS. In multiple-dwellings hereafter erected no closet of any kind shall be constructed under any staircase leading from the entrance story to the upper stories, but such space shall be left entirely open and kept clear and free from incumbrance.

SEC. 68. CELLAR ENTRANCE. In every multiple-dwelling hereafter erected there shall be an entrance to the cellar or other lowest story from the outside of the said building.

PART IV.

ALTERATIONS.

IN THIS PART WILL BE FOUND ALL THE PROVISIONS WHICH MUST BE OBSERVED WHEN A PERSON PROPOSES TO ALTER AN EXISTING DWELLING.

SEC. 69. PERCENTAGE OF LOT OCCUPIED. No dwelling shall hereafter be enlarged, or its lot be diminished, or other building placed on its lot, so that a greater percentage of the lot shall be occupied by buildings or structures than provided in section twenty-seven of this act.

SEC. 70. HEIGHT. No dwelling shall be increased in height so that the said building shall exceed the height prescribed by section twenty-eight of this act.

SEC. 71. YARDS. No dwelling shall hereafter be enlarged or its lot be diminished, or other building placed on the lot, so that the rear yard or side yard shall be less in size than the minimum sizes prescribed in sections twenty-nine and thirty of this act for dwellings hereafter erected.

SEC. 72. NEW COURTS IN EXISTING DWELLINGS. Any court hereafter constructed in a dwelling erected prior to the passage of this act, used to light or ventilate rooms or water-closet compartments shall not be less than eight feet in its least dimension in any part, and such court shall under no circumstances be roofed or covered over with a roof or skylight; every such court if an inner court shall be provided at the bottom with one or more horizontal air-intakes which shall consist of passageways each not less than three feet wide and seven feet high, which shall communicate directly with the street or rear yard, and shall always be left open, or be provided with an open-work gate at each end.

SEC. 73. ADDITIONAL ROOMS AND HALLS. Any additional room or hall that is hereafter constructed or created in a dwelling shall comply in all respects with the provisions of Part III. of this act, except that it may be of the same height as the other rooms on the same story of the dwelling.

SEC. 74. ROOMS AND HALLS, LIGHTING AND VENTILATION OF. No dwelling shall be so altered or its lot diminished that any room or public hall or stairs shall have its light or ventilation diminished in any way not approved by the housing commissioner.

SEC. 75. ALCOVES AND ALCOVE ROOMS. No part of any room in a dwelling shall hereafter be enclosed or subdivided, wholly or in part, by a curtain, portiere, fixed or movable partition or other contrivance or device, unless such part of the room so enclosed or subdivided shall contain a window as required by sections thirty-six and thirty-seven of this act, and have a floor area of not less than ninety square feet.

SEC. 76. SKYLIGHTS. All new skylights hereafter placed in a multiple dwelling shall be provided with ridge ventilators having a minimum opening of forty square inches and also with

either fixed or movable louvres or with movable sashes, and shall be of such size as may be determined to be practicable by the housing commissioner.

SEC. 77. WATER-CLOSET ACCOMMODATIONS. Every water-closet hereafter placed in a dwelling, except one provided to replace a defective or antiquated fixture in the same location, shall comply with the provisions of sections forty-two, fifty-one and fifty-three of this act relative to water-closets in dwellings hereafter erected (or shall have a window opening on a court of the dimensions prescribed in Sec. seventy-two). Except that in the case of a new water-closet installed on the top floor of an existing dwelling, a ventilating skylight open to the sky may be used instead of the windows required by section forty-one.

SEC. 78. FIRST CLASS CONSTRUCTION. No dwelling shall hereafter be altered so as to exceed three stories in height, unless it is of first class construction.

SEC. 79. FIRE-ESCAPES. All fire-escapes hereafter constructed on any multiple dwelling shall be located and constructed as prescribed in section fifty-eight of this act.

SEC. 80. ROOF STAIRS. No stairs leading to the roof in any multiple dwelling shall be removed or replaced by a ladder.

SEC. 81. BULKHEADS. Every bulkhead hereafter constructed in a multiple-dwelling shall be constructed fireproof or covered with metal on the outside.

SEC. 82. STAIRWAYS. No public hall or stairs in a multiple dwelling shall be reduced in width so as to be less than the minimum width prescribed in sections sixty and sixty-three of this act.

SEC. 83. SHAFTS. All shafts whether for dumb waiters, elevators or other purposes, hereafter constructed in multiple dwellings shall comply in all respects with the provisions of Section sixty-four of this act.

SEC. 84. THIRD CLASS CONSTRUCTION. No existing multiple dwelling of third class construction shall hereafter be enlarged, extended or raised, except that a wooden extension not exceeding a total area of seventy square feet may be added, provided such extension is used solely for bath-rooms or water-closets. Nor shall any existing multiple dwelling of third class construction be so altered as to be occupied by more than one family on any floor.

SEC. 85. BUILDINGS OF THIRD CLASS CONSTRUCTION ON SAME LOT WITH A MULTIPLE DWELLING. No building of third class construction of any kind whatsoever shall hereafter be placed or built upon the same lot with a multiple dwelling. And no existing building of third class construction on the same lot with a multiple dwelling shall hereafter be enlarged, extended or raised.

PART V MAINTENANCE.

IN THIS PART WILL BE FOUND ALL THE PROVISIONS WHICH
AN OWNER MUST OBSERVE WITH REGARD TO THE
MAINTENANCE OF A DWELLING.

SEC. 86. PUBLIC HALLS, LIGHTING OF IN THE DAYTIME. In every multiple dwelling where the public halls and stairs are not in the opinion of the housing commissioner sufficiently lighted, the owner of such house shall keep a proper light burning in the hallway, near the stairs, upon such floors as may be necessary, from sunrise to sunset.

SEC. 87. PUBLIC HALLS, LIGHTING AT NIGHT. In every multiple dwelling a proper light shall be kept burning by the owner in the public hallways, near the stairs, upon the entrance floor, and upon the second floor above the entrance floor of said house, every night from sunset to sunrise throughout the year, and upon all other floors of the said house from sunset until ten o'clock in the evening.

SEC. 88. WATER-CLOSETS IN CELLARS. No water-closet shall be maintained in the cellar of any dwelling without a permit in writing from the housing commissioner who shall have power to make rules and regulations governing the maintenance of such closets. Under no circumstances shall the general water-closet accommodations of any multiple dwelling be permitted in the cellar or basement thereof. This provision, however, shall not be construed so as to prohibit a general toilet room containing several water-closets, provided such water-closets are supplementary to those required by law.

SEC. 89. WATER-CLOSET ACCOMMODATIONS. In every dwelling existing prior to the passage of this act there shall be provided at least one water-closet for every two apartments, groups or suites of rooms, or fraction thereof. Except that in multiple dwellings of Class B there shall be provided at least one water-closet for every fifteen occupants or fraction thereof.

SEC. 90. BASEMENT AND CELLAR ROOMS. No room in the cellar of any dwelling erected prior to the passage of this act shall be occupied either for living or for sleeping purposes. No room in the basement of any such dwelling shall be so occupied without a written permit from the housing commissioner. No such room shall hereafter be so occupied unless all the following conditions are complied with:

(a) Such room shall on at least one side abut on an outside wall of said building for a space of at least 7 feet.

(b) Such room shall have a window or windows opening directly upon an open space not less than the minimum prescribed in Sec. 113, and open from the ground to the sky without obstruction; such window or windows shall have a total area of not less than 12 square feet and not less than 1-8 of the floor area of said room, and both halves of the sash of each window shall be

made to open to their full width, and the top of each window shall be within 6 inches of the ceiling.

(c) At least 60% of the area of any such room shall be above the level of the highest point of the ground within 15 feet of the outside wall or walls of said room in which the windows above required are situated.

(d) The floor of such room and all walls surrounding the room shall be damp-proof and water-proof.

(e) Such room shall be at least 8 feet 6 inches in height in every part, from floor to ceiling:—provided, that in multiple dwellings erected prior to the first day of August, 1907, and in other dwellings erected prior to the first day of June, 1914, it shall be sufficient if said room is 7 feet in height over at least 4-5 of its area.

(f) There shall be appurtenant to such room a water-closet, used solely by the occupants of said room or by the household of which said occupants are members.

Such room shall have sufficient light and ventilation, shall be well drained and dry, and shall be fit for human habitation.

SEC. 91. CELLAR WALLS AND CEILINGS. The cellar walls and ceilings of every dwelling shall be thoroughly whitewashed or painted a light color by the owner and shall be so maintained. Such whitewash or paint shall be renewed whenever necessary, as may be required by the housing commissioner.

SEC. 92. WATER-CLOSETS AND SINKS. In all dwellings the floor or other surface beneath and around water-closets and sinks shall be maintained in good order and repair and if of wood shall be kept well painted with light colored paint.

SEC. 93. REPAIRS. Every dwelling and all the parts thereof shall be kept in good repair, and the roof shall be kept so as not to leak, and all rain water shall be so drained and conveyed therefrom as not to cause dampness in the walls or ceilings.

SEC. 94. WATER SUPPLY. Every dwelling shall have within the dwelling at least one proper sink with running water furnished in sufficient quantity at one or more places exclusive of the cellar. In two-family dwellings and multiple-dwellings of Class A there shall be at least one such sink for each family located within the apartment occupied by said family. The owner shall provide proper and suitable tanks, pumps or other appliances to receive and to distribute an adequate and sufficient supply of such water at each floor in the said dwelling, at all times of the year, during all hours of the day and night. But a failure in the general supply of water by the city authorities shall not be construed to be a failure on the part of such owner, provided that proper and suitable appliances to receive and distribute such water have been provided in said dwelling.

SEC. 95. CISTERNS AND WELLS. Where there is no city water supply reasonably accessible, there shall be provided one or more adequate cisterns or wells with a pump. Such cisterns or wells shall be of such size and number and constructed and maintained in such manner as may be determined by the housing commissioner.

SEC. 96. CATCH-BASINS. In the case of dwellings where, because of lack of city water supply or sewers, sinks with running water are not provided inside the dwellings, one or more catch basins properly connected with a cesspool for the disposal of waste water, as may be necessary in the opinion of the housing commissioner, constructed in such manner as he may specify, shall be provided in the yard or court, level with the surface thereof and at a point easy of access to the occupants of such dwelling.

SEC. 97. CLEANLINESS OF DWELLINGS. Every dwelling and every part thereof shall be kept clean and shall also be kept free from any accumulation of dirt, filth, rubbish, garbage or other matter in or on the same, or in the yards, courts, passages, areas or alleys connected with or belonging to the same. The owner of every dwelling, and in the case of a private dwelling the occupant thereof, shall thoroughly cleanse or cause to be cleansed all the rooms, passages, stairs, floors, windows, doors, walls, ceilings, privies, water-closets, cesspools, drains, halls, cellars, roofs and all other parts of the said dwelling of which he is the owner, or in the case of a private dwelling the occupant, to the satisfaction of the housing commissioner, and shall keep the said parts of the said dwelling in a cleanly condition at all times.

SEC. 98. WALLS OF COURTS. In multiple dwellings the walls of all courts, unless built of a light color brick or stone, shall be thoroughly whitewashed by the owner or shall be painted a light color by him, and shall be so maintained. Such whitewash or paint shall be renewed whenever necessary, as may be required by the housing commissioner.

SEC. 99. WALLS AND CEILINGS OF ROOMS. In all multiple dwellings, the housing commissioner may require the walls and ceilings of any room to be whitewashed, kalsomined white or painted with white paint when necessary to improve the lighting of such room and may require this to be renewed as often as may be necessary.

SEC. 100. WALL PAPER. No wall paper shall be placed upon a wall or ceiling of any dwelling unless all wall paper shall be first removed therefrom and said wall and ceiling thoroughly cleaned.

SEC. 101. RECEPTACLES FOR ASHES, GARBAGE AND RUBBISH. The owner of every dwelling, or in the case of a private-dwelling the occupant, shall provide and maintain for said dwelling proper and suitable tight metal cans, with covers, for holding ashes, rubbish, garbage, refuse and other matter. Chutes and bins for such purposes are prohibited.

SEC. 102. PROHIBITED USES. No horse, mule, cow, calf, swine, sheep, goat, rabbit, chicken, goose, duck or turkey shall be kept in any dwelling. Nor shall any such animal be kept on the same lot or premises with a dwelling except under such conditions as may be prescribed by the housing commissioner. No such animal except a horse shall under any circumstances be kept on the same lot or premises with a multiple dwelling. No

dwelling or the lot or premises thereof shall be used for the storage or handling of rags or junk. No dwelling or the lot or premises thereof shall be used for purposes of prostitution or assignation.

SEC. 103. COMBUSTIBLE MATERIALS. No dwelling, nor of the lot upon which it is situated, shall be used as a place of storage, keeping or handling of any article dangerous or detrimental to life or health, nor of any combustible article except under such conditions as may be prescribed by the fire commissioner. No multiple dwelling nor any part thereof, nor of the lot upon which it is situated, shall be used as a place of storage, keeping or handling of feed, hay, straw, excelsior, cotton, paper stock, feathers or rags.

SEC. 104. BAKERIES AND FAT BOILING. No bakery and no place of business in which fat is boiled, shall be maintained in any multiple dwelling of Class A which is not fireproof throughout.

SEC. 105. CERTAIN DANGEROUS BUSINESSES. There shall be no transom, window or door opening into a public hall from any portion of a multiple dwelling where paint, oil, spirituous liquors or drugs are stored for the purpose of sale or otherwise.

SEC. 106. JANITOR OR HOUSEKEEPER. In any multiple dwelling of Class A occupied by six or more families there shall be a janitor, housekeeper or other responsible person who shall reside in said house and have charge of the same, or in the case of a multiple dwelling occupied by less than six families, there shall be such a janitor or housekeeper if the housing commissioner shall so require.

SEC. 107. OVERCROWDING. If any room in a dwelling is overcrowded, the housing commissioner may order the number of persons sleeping or living in said room to be so reduced that there shall not be less than six hundred cubic feet of air to each adult and four hundred cubic feet of air to each child under twelve years of age occupying such room.

SEC. 108. LODGERS PROHIBITED. No dwelling nor any part thereof shall be used for the letting of lodgings without the consent in writing of the housing commissioner. Except in multiple-dwellings of Class B, no person not a member of the family shall be taken to live within any apartment, group or suite of rooms without such consent. It shall be the duty of the owner in the case of multiple-dwellings, and of the occupant in the case of private-dwellings and two-family dwellings, to see that the provisions of this section are at all times complied with, and a failure to so comply on the part of any tenant after due and proper notice from said owner or from the housing commissioner shall be deemed sufficient cause for the summary eviction of such tenant and the cancellation of his lease.

SEC. 109. INFECTED AND UNINHABITABLE DWELLINGS TO BE VACATED. Whenever it shall be certified by an inspector or officer of the housing department that a dwelling is infected with contagious disease, or that it is unfit for human habitation, or

dangerous to life or health by reason of want of repair, or of defects in the drainage, plumbing, lighting, ventilation, or the construction of the same, or by reason of the existence on the premises of a nuisance likely to cause sickness among the occupants of said dwelling, or if it is dangerous to life or health for any other cause, the housing commissioner may issue an order requiring all persons therein to vacate such dwelling, within not less than twenty-four hours nor more than ten days, for the reasons to be mentioned in said order. In case such order is not complied with within the time specified, the commissioner may cause said dwelling to be vacated. The commissioner whenever he is satisfied that the danger from said dwelling has ceased to exist, or that it is fit for human habitation, may revoke said order, or may extend the time within which to comply with the same.

SEC. 110. REPAIRS TO BUILDINGS, ETC. Whenever any dwelling or any building, structure, excavation, business pursuit, matter or thing, in or about a dwelling, or the lot on which it is situated, or the plumbing, sewerage, drainage, light or ventilation thereof, is in the opinion of the housing commissioner in a condition or in effect dangerous or detrimental to life or health, the commissioner may declare that the same, to the extent he may specify, is a public nuisance, and may order the same to be removed, abated, suspended, altered or otherwise improved or purified, as the order shall specify. In addition to the above powers the commissioner may also order or cause any dwelling or excavation, building, structure, sewer, plumbing pipe, passage, premises, ground, matter or thing, in or about a dwelling, or the lot on which it is situated, to be purified, cleansed, disinfected, removed, altered, repaired or improved. If any order of the housing commissioner issued under the authority of the provisions of this act is not complied with, or so far complied with as he may regard as reasonable, within five days after the service thereof, or within such shorter time as he may designate, then such order may be executed by said commissioner through his officers, agents, employees or contractors.

SEC. 111. FIRE-ESCAPES. The owner of every multiple-dwelling on which there are fire-escapes shall keep them in good order and repair, and whenever rusty shall have them properly painted with two coats of paint. No person shall at any time, place any incumbrance of any kind before or upon any such fire-escape.

SEC. 112. SCUTTLES, BULKHEADS, LADDERS AND STAIRS. In all multiple dwellings where there are scuttles or bulkheads they and all stairs or ladders leading thereto shall be easily accessible to all occupants of the building, and kept free from incumbrance, and ready for use at all times. No scuttle and no bulkhead door shall at any time be locked with a key, but either may be fastened on the inside by movable bolts or hooks.

PART VI. IMPROVEMENTS.

IN THIS PART WILL BE FOUND THOSE IMPROVEMENTS IN THE OLDER BUILDINGS REQUIRED AS A MATTER OF COMPULSORY LEGISLATION.

SEC. 113. ROOMS, LIGHTING AND VENTILATION OF. No room in a dwelling erected prior to the passage of this act shall hereafter be occupied for living purposes unless it shall have a window of an area of not less than ten square feet opening directly upon the street, or upon a yard not less than ten feet deep, or above the roof of an adjoining building, or upon a court of not less than thirty square feet in area, open to the sky without roof or skylight, unless such room is located on the top floor and is adequately lighted and ventilated by a skylight opening directly to the outer air. Every room which cannot be made to comply with the above provisions, shall have one or more partition walls removed, making it part of an adjoining room which does so comply or it shall be vacated and so maintained.

SEC. 114. PUBLIC HALLS AND STAIRS, LIGHTING AND VENTILATION OF. In all dwellings erected prior to the passage of this act the public halls and stairs shall be provided with as much light and ventilation to the outer air as may be deemed practicable by the housing commissioner, who may order the cutting in of windows and skylights and such other improvements and alterations in said dwellings as in his judgment may be necessary to accomplish this result. All new skylights hereafter placed in such dwellings shall be provided with ridge ventilators having a minimum opening of forty square inches and also with either fixed or movable louvres or with movable sashes, and shall be of such size as may be determined to be practicable by said commissioner.

SEC. 115. SINKS. In all dwellings erected prior to the passage of this act, the woodwork enclosing sinks shall be removed, and the space underneath said sinks shall be left open. The floors and wall surfaces beneath and around the sink shall be put in good order and repair, and if of wood shall be kept well painted with light-colored paint.

SEC. 116. WATER-CLOSETS. In all dwellings erected prior to the passage of this act, the woodwork enclosing all water-closets shall be removed from the front of said closets, and the space underneath the seat shall be left open. The floor or other surface beneath and around the closet shall be put in good order and repair and if of wood shall be kept well painted with light-colored paint.

SEC. 117. PRIVY VAULTS, SCHOOL-SINKS AND WATER-CLOSETS. Whenever a connection with a sewer is possible, all school-sinks, privy vaults, cesspools, or other similar receptacles used to receive fecal matter, urine or sewage, shall before January first, nineteen hundred and twenty with their contents be

completely removed and the place where they were located properly disinfected under the direction of the housing commissioner. Such appliances shall be replaced by individual water-closets of durable non-absorbent material, properly sewer connected, and with individual traps, and properly-connected flush tanks providing an ample flush of water to cleanse the bowl thoroughly. Each such water-closet shall be located inside the dwelling in connection with which it is to be used, in a compartment completely separated from every other water-closet, and such compartment shall contain a window of not less than four square feet in area opening directly to the street, or rear yard or on a side yard or court of the minimum size prescribed in sections thirty and thirty-one of this act, or on a court constructed in accordance with the provisions of section seventy-two. The floors of the water-closet compartments shall be waterproof as provided in section fifty-one of this act. Pan, plunger and long hopper closets will not be permitted. No water-closet shall be placed out of doors. Such water-closets shall be provided in such numbers as required by section eighty-nine of this act. Such water-closets and all plumbing in connection therewith shall be sanitary in every respect and except as in this act otherwise provided, shall be in accordance with the ordinances and regulations in relation to plumbing and drainage.

SEC. 118. BASEMENTS AND CELLARS. The floor of the cellar or lowest floor of every dwelling shall be free from dampness and, when necessary, shall be concreted with four inches of concrete of good quality and with a finished surface. The cellar ceiling of every dwelling shall be plastered, when so required by the housing commissioner.

SEC. 119. SHAFTS AND COURTS. In every dwelling where there is a court or shaft of any kind there shall be, at the bottom of every such shaft and court, a door giving sufficient access to such shaft or court to enable it to be properly cleaned out. Provided, that where there is already a window giving proper access it shall be deemed sufficient.

SEC. 120. EGRESS. Every multiple-dwelling exceeding one story in height shall have at least two independent ways of egress constructed and arranged as provided in section fifty-seven of this act. In the case of multiple-dwellings erected prior to the passage of this act where it is not practicable to comply in all respects with the provisions of that section, the building commissioner shall make such requirements as may be appropriate to secure proper means of egress from such multiple-dwellings for all the occupants thereof. No existing fire-escape shall be deemed sufficient unless the following conditions are complied with:

- (1) All parts of it shall be of iron, cement or stone.
- (2) The fire-escape shall consist of outside balconies which shall be properly connected with each other by adequate stairs or stationary ladders, with openings not less than twenty-four by twenty-eight inches.

(3) All fire-escapes shall have proper drop ladders or stairways from the lowest balcony of sufficient length to reach a safe landing place beneath.

(4) All fire-escapes not on the street shall have a safe and adequate means of egress from the yard or court to the street or alley or to the adjoining premises.

(5) Prompt and ready access shall be had to all fire-escapes, which shall not be obstructed by bath-tubs, water-closets, sinks or other fixtures, or in any other way.

All fire-escapes that are already erected which do not conform to the requirements of this section may be altered by the owner to make them so conform in lieu of providing new fire-escapes, but no existing fire-escape shall be extended or have its location changed except with the written approval of the building commissioner. All fire-escapes hereafter erected on any multiple-dwelling shall be located and constructed as prescribed in Sec. 58 of this act.

SEC. 121. ADDITIONAL MEANS OF EGRESS. Whenever a multiple-dwelling is not provided with sufficient means of egress in case of fire, the building commissioner shall order such additional means of egress as may be necessary.

SEC. 122. ROOF EGRESS, SCUTTLES, BULKHEADS, LADDERS AND STAIRS. Every flat-roofed multiple-dwelling exceeding one story in height erected prior to the passage of this act, shall have in the roof a bulkhead, or a scuttle which shall be not less than two feet by three feet in size. All such bulkheads and scuttles shall be fire-proof or covered on the outside with metal and shall be provided with stairs or stationary ladders leading thereto and easily accessible to all occupants of the building. No scuttle or bulkhead shall be located in a room, but shall be located in the ceiling of the public hall on the top floor, and access through the same to the roof shall be direct and uninterrupted. When deemed necessary by the building commissioner scuttles shall be hinged so as to open readily. Every bulkhead in such multiple-dwelling shall have stairs with a guide or hand-rail leading to the roof, and such stairs shall be kept free from incumbrance at all times. No scuttle and no bulkhead door shall at any time be locked with a key, but either may be fastened on the inside by movable bolts or hooks. All key-locks on scuttles and on bulkhead doors shall be removed.

PART VII. REQUIREMENTS AND REMEDIES.

IN THIS PART WILL BE FOUND THE LEGAL REQUIREMENTS,
PENALTIES FOR VIOLATIONS OF THE LAW. ETC.

SEC. 123. PERMIT TO COMMENCE BUILDING. Before the construction or alteration of a dwelling, or the alteration or conversion of a building for use as a dwelling, is commenced, and before the construction or alteration of any building or structure on the same lot with a dwelling, the owner, or his agent or architect, shall submit to the housing commissioner a detailed statement in writing, verified by the affidavit of the person making the same, of the specifications for such dwelling or building, upon blanks or forms to be furnished by such commissioner, and also full and complete copies of the plans of such work. With such statement there shall be submitted a plat of the lot showing the dimensions of the same, the location of the proposed building and all other buildings on the lot. Such statement shall give in full the name and residence, by street and number, of the owner or owners of such dwelling or building and the purpose for which such dwelling or building will be used. If such construction, alteration or conversion is proposed to be made by any other person than the owner of the land in fee, such statement shall contain the full name and residence, by street and number, not only of the owner of the land, but of every person interested in such dwelling, either as owner, lessee or in any representative capacity. Said affidavit shall allege that said specifications and plans are true and contain a correct description of such dwelling, building, structure, lot and proposed work. The statements and affidavits herein provided for may be made by the owner, or by the person who proposes to make the construction, alteration or conversion, or by his agent or architect. No person, however, shall be recognized as the agent of the owner, unless he shall file with the said commissioner a written instrument, signed by such owner, designating him as such agent. Any false swearing in a material point in any such affidavit shall be deemed perjury. Such specifications, plans and statements shall be filed in the housing department and shall be deemed public records, but no such specifications, plans or statements shall be removed from said department. The housing commissioner shall cause all such plans and specifications to be examined. If such plans and specifications conform to the provisions of this act relative to the light and ventilation and sanitation of tenement houses hereafter erected or altered, as the case may be, they shall be approved by the housing commissioner and a written certificate to that effect shall be issued by him to the person submitting the same. Such commissioner may, from time to time, approve changes in any plans and specifications previously approved by him, provided the plans and specifications when so changed shall be in conformity with law. The construction, alteration or conversion of

such dwelling, building or structure, shall not be commenced until the filing of such specifications, plans and statements, and the approval thereof, as above provided. The construction, alteration or conversion of such dwelling, building or structure, shall be in accordance with such approved specifications and plans. Any permit or approval issued by the housing commissioner under which no work has been done above the foundation walls within one year from the time of the issuance of such permit or approval, shall expire by limitation. Such commissioner shall have power to revoke or cancel any permit or approval in case of any failure or neglect to comply with any of the provisions of this act, or in case any false statement or representation is made in any specifications, plans or statements submitted or filed for such permit or approval.

SEC. 124. CERTIFICATE OF COMPLIANCE. No building hereafter constructed as or altered into a dwelling shall be occupied in whole or in part for human habitation until the issuance of a certificate by the housing commissioner that said dwelling conforms in all respects to the requirements of this act relative to dwellings hereafter erected. Such certificate shall be issued within fifteen days after written application therefor, if said dwelling at the date of such application shall be entitled thereto. In the case of a multiple-dwelling, the presentation of such certificate shall entitle the owner to the issuance of a license, as hereinafter provided, for the remainder of the calendar year in which such certificate was granted, without further inspection.

SEC. 125. UNLAWFUL OCCUPATION. If any building hereafter constructed as or altered into a dwelling be occupied in whole or in part for human habitation in violation of Section one hundred twenty-four of this act or in violation of Sections one hundred thirty-seven to one hundred forty-one inclusive, during such unlawful occupation no rent shall be recoverable by the owner or lessee of such premises for said period, and no action or special proceeding shall be maintained therefor, or for possession of said premises for non-payment of such rent, and said premises shall be deemed unfit for human habitation, and the department of housing may cause them to be vacated accordingly.

SEC. 126. PENALTIES FOR VIOLATIONS. Every person who shall violate or assist in the violation of any provision of this act shall be guilty of a misdemeanor punishable by imprisonment for ten days for each and every day that such violation shall continue, or by a fine of not less than ten dollars nor more than one hundred dollars if the offense be not wilful, or two hundred and fifty dollars if the offense be wilful, and in every case of ten dollars for each day after the first that such violation shall continue, or by both such fine and imprisonment in the discretion of the court; provided that the penalty for incumbrance of a fire-escape by an occupant of a multiple-dwelling shall be a fine of two dollars, which the nearest police magistrate shall have jurisdiction to impose. The owner of any dwelling, or of any building or structure upon the same lot with a dwelling, or of the said lot,

where any violation of this act or a nuisance exists, and any person who shall violate or assist in violating any provision of this act, or any notice or order of the housing commissioner, shall also jointly and severally for each such violation and each such nuisance be subject to a civil penalty of fifty dollars. Such persons shall also be liable for all costs, expenses and disbursements paid or incurred by the housing department, by any of the officers thereof or by any agent, employe or contractor of the same, in the removal of any such nuisance or violation. Any person who having been served with a notice or order to remove any such nuisance or violation, shall fail to comply with said notice or order within five days after such service, or shall continue to violate any provision or requirement of this act in the respect named in said notice or order, shall also be subject to a civil penalty of two hundred and fifty dollars. For the recovery of any such penalties, costs, expenses or disbursements, an action may be brought in any court of civil jurisdiction. In case the application for a license required by sections one hundred thirty-seven and one hundred thirty-eight of this act is not filed, or in case the owner, lessee or other person having control of such dwelling does not reside within the state, or can not after diligent effort be served with process therein, the existence of a nuisance or of any violation of this act, or of any violation of an order or a notice made by said department, in said dwelling or on the lot on which it is situated, shall subject said dwelling and lot to a penalty of two hundred and fifty dollars. Said penalty shall be a lien upon said dwelling and lot.

SEC. 127. PROCEDURE. Except as herein otherwise specified, the procedure for the prevention of violations of this act, or for the vacation of premises unlawfully occupied, or for other abatement of nuisance in connection with a dwelling, shall be as set forth in charter and ordinances. In case any dwelling, building or structure is constructed, altered, converted or maintained in violation of any provision of this act or of any order or notice of the housing commissioner, or in case a nuisance exists in any such dwelling, building or structure or upon the lot on which it is situated, said commissioner may institute any appropriate action or proceeding to prevent such unlawful construction, alteration, conversion or maintenance, to restrain, correct or abate such violation or nuisance, to prevent the occupation of said dwelling, building or structure, or to prevent any illegal act, conduct or business in or about such dwelling or lot. In any such action or proceeding said housing commissioner may, by affidavit setting forth the facts, apply to the supreme court, or to any justice thereof, for an order granting the relief for which said action or proceeding is brought, or for an order enjoining all persons from doing or permitting to be done any work in or about such dwelling, building, structure or lot, or from occupying or using the same for any purpose, until the entry of final judgment or order. In case any notice or order issued by said commissioner is not complied with, said commissioner may ap-

ply to the supreme court, or to any justice thereof, for an order authorizing him to execute and carry out the provisions of said notice or order, to remove any violation specified in said notice or order, or to abate any nuisance in or about such dwelling, building or structure, or the lot upon which it is situated. The court, or any justice thereof, is hereby authorized to make any order specified in this section. In no case shall the housing commissioner, the housing department or any officer or employee thereof, or the city, be liable for costs in any action or proceeding that may be commenced in pursuance of this act. The actions, proceedings and authority of the housing commissioner shall be treated as *prima facie* just and legal.

SEC. 128. TENANT'S RESPONSIBILITY. If the occupant of a dwelling shall fail to comply with the provisions of this act after due and proper notice from the housing commissioner, such failure to comply shall be deemed sufficient cause for the summary eviction of such tenant by the owner and the cancellation of his lease.

SEC. 129. LIENS. Every fine imposed by judgment under section one hundred twenty-five of this act shall be a lien upon the building and land in relation to which the fine is imposed from the time of the filing of a certified copy of the judgment in the office of the register of deeds for the county or district in which such building is situated, subject only to taxes, assessments and water rates and other existing lawful incumbrances, and it shall be the duty of the housing commissioner upon the entry of said judgment forthwith to file the copy as aforesaid, and the copy, upon such filing, shall forthwith be indexed by the register of deeds under the name of the party against whom such judgment is issued. The fee for filing and indexing shall be fifty cents.

SEC. 130. LIS PENDENS. In any action or proceeding instituted by the housing commissioner, the petitioner may file in the office of the register of deeds for the county or district where the property affected by such action or proceeding is situated, a notice of the pendency of the action or proceeding. The register of deeds with whom the notice is filed shall record it, and shall index it under the name of the owner of said property. Any such notice may be vacated by the order of a justice of the court in which the action or proceeding was instituted or is pending. The register of deeds of the county or the district where the notice is filed is hereby directed to mark the notice and any record thereof as cancelled of record, properly indexing the same, upon the presentation and filing of a certified copy of such order. The fee for filing such notice shall be fifty cents and the fee for filing such discharge or cancellation shall be twenty-five cents.

SEC. 131. SERVICE OF NOTICES AND ORDERS. Every notice or order in relation to a dwelling shall be served five days before the time for doing the thing in relation to which it shall have been issued. The posting of a copy of such notice or order in a conspicuous place in the dwelling, together with the mailing of

a copy thereof, on the same day that it is posted, to each person, if any, whose name has been filed with the department of housing in accordance with the provisions of sections one hundred thirty-eight and one hundred forty of this act, at his address as there-with filed, shall be sufficient service thereof.

SEC. 132. SERVICE OF SUMMONS. In any action brought by the housing commissioner in relation to a dwelling for injunction, vacation of the premises or other abatement of nuisance, or to establish a lien thereon, it shall be sufficient service of the summons to serve the same as notices and orders are served under the provisions of the last section; provided, that if the address of any agent whose name and address have been filed in accordance with the provisions of section one hundred thirty-eight of this act is in the city of Boston, then a copy of the summons shall also be delivered at such address to a person of proper age, if upon reasonable application admittance can be obtained and such person found; and provided, also, that personal service of the summons upon the owner of such dwelling shall be sufficient service thereof upon him.

SEC. 133. ENFORCEMENT. The provisions of this act shall be enforced by the housing commissioner, except that the building commissioner shall enforce sections fifty-four, fifty-five, fifty-six, fifty-seven, fifty-eight, fifty-nine, seventy-eight, seventy-nine, one hundred twenty, one hundred twenty-one and one hundred twenty-two.

An action may also be brought and proceedings taken for the enforcement of this act by any taxpayer of the city of Boston.

SEC. 134. INSPECTION OF DWELLINGS. The housing commissioner shall cause a periodic inspection to be made of every multiple-dwelling at least once a year. Such inspection shall include thorough examination of all parts of such multiple-dwellings and the premises connected therewith. The housing commission is also hereby empowered to make similar inspections of all dwellings as frequently as may be necessary.

SEC. 135. RIGHT OF ENTRY. The housing commissioner and all inspectors, officers and employes of the housing department, may without fee or hindrance enter, examine and survey all premises, grounds, erections, structures, apartments, dwellings, buildings and every part thereof in the city. The owner or his agent or representative and the lessee and occupant of every dwelling and every person having the care and management thereof shall at all reasonable times when required by any of such officers or persons give them free access to such dwellings and premises. The owner of a dwelling and his agents and employes shall have right of access to such dwelling at reasonable times for the purpose of bringing about a compliance with the provisions of this act or any order issued thereunder.

SEC. 136. INJUNCTION; UNDERTAKING. No preliminary injunction shall be granted against the housing department or its officers except by the supreme court or a justice thereof after service of at least three days' notice, together with copies of the

papers upon which the motion for such injunction is to be made. Whenever such department shall seek any provisional remedy or shall prosecute an appeal it shall not be necessary before obtaining or prosecuting the same to give a bond.

SEC. 137. LICENSES REQUIRED FOR MULTIPLE-DWELLINGS. On and after the date on which this act shall go into effect, no multiple-dwelling shall be occupied or permitted to be occupied unless the owner, lessee or other person having control thereof, or operating the same, shall have first applied for and obtained the required license as hereinafter provided, which license shall expire not later than the calendar year for which it was issued, irrespective of the date of its issuance, and shall not be transferable. Whenever the interest of such licensee in the dwelling for the occupancy of which the license was issued shall cease, or such dwelling shall have been brought within one of the other grades defined by law or ordinance by reason of a change in use, said license shall immediately become void; provided, however, that upon the death of a licensee, the license shall nevertheless be valid for thirty days from the date of such death in favor of the legal representatives of the licensee, or of the person or persons to whom such dwelling passes by law, but in no case shall such thirty days extend such license beyond the end of the calendar year for which it was issued.

SEC. 138. LICENSES, APPLICATIONS AND FEES. Every application for any license provided by this act, shall be in a form approved by the housing commissioner, and shall state the name and address of the applicant, the nature and extent of his interest in the dwelling for which the license is desired; and, if the applicant is not the owner of such dwelling, then the application shall also state the name and address of the owner; said application shall further state the location of the dwelling for which the license is desired; the number of rooms therein; the number of apartments into which said rooms are divided, together with such other information as may be required by the housing commissioner; and such application shall be accompanied in the case of a multiple-dwelling of Class A, by a fee of one dollar for each apartment, group or suite of rooms in the dwelling for which such license is desired, and in the case of a multiple-dwelling of Class B, by a fee of one dollar for every ten persons or fraction thereof designed to be accommodated in such dwelling.

SEC. 139. LICENSES, ISSUANCE OF. The license shall be issued by the housing commissioner without further charge, if, after a thorough inspection, the dwelling is found to comply in all respects with the provisions of this act. A license may be issued, without special inspection, if the records of the department show that the dwelling complied in all respects with the provisions of this act at the date of a similarly thorough inspection made within six months, and if no complaint relative to such dwelling has been since received, and if no change of occupancy has occurred.

Sec. 140. LICENSES, RECORD AND REVOCATION OF. The housing commissioner shall keep a public record of all licenses issued under the provisions of this act. The original applications shall be kept in the permanent files. The housing commissioner shall have the power to revoke any license if the multiple-dwelling for which such license is granted does not comply in all respects with the provisions of this act and with all laws, ordinances, rules and regulations applicable to such multiple-dwelling and the use to which it is put, or intended to be put, or if any false statement shall be made by the applicant in connection with the issuance of such license.

Sec. 141. LICENSES TO BE DISPLAYED. It shall be unlawful for any person to let, rent, lease, conduct or maintain any multiple-dwelling as defined in this act, unless a license duly issued, as hereinbefore provided, shall be in force at the time of occupancy, and unless such license shall at all times be displayed in a conspicuous place upon the wall within and close to the outer entrance of such multiple-dwelling and each day's occupancy in violation of this act shall constitute a separate offense punishable as herein provided.

SEC. 142. LIMITATION OF COURT DECISION. If any clause, sentence, paragraph or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this act, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SEC. 143. LAWS REPEALED. The provisions of sections forty-two to seventy-six inclusive of Chapter 550 of the Acts of 1907, and all subsequent amendments to such sections, are hereby repealed; and, further, all other statutes or ordinances or parts thereof so far as inconsistent with the provisions of this act, are hereby repealed.

SEC. 144. WHEN TO TAKE EFFECT. This act shall take effect October 1, 1918.

